

**IN THE MATTER OF: BRANDON SCOTT BAXLEY**  
**Martha Virginia Baxley on 10/29/2019**

1 UNITED STATES BANKRUPTCY COURT  
2 EASTERN DISTRICT OF NORTH CAROLINA  
3 RALEIGH DIVISION

4 IN THE MATTER OF: )  
5 ) Chapter 7  
6 BRANDON SCOTT BAXLEY, )  
7 ) Case No. 18-03406-5-DMW  
8 Debtor )

9  
10  
11 DEPOSITION

12 OF

13 MARTHA VIRGINIA BAXLEY

14 October 29, 2019 - 1:04 p.m.

15 Raleigh, North Carolina  
16  
17  
18

19 Reported By: Lisa A. Wheeler, RPR, CRR  
20  
21  
22  
23  
24  
25

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1 A P P E A R A N C E S:

2 On behalf of the Trustee:

3 George Mason Oliver, Esq.  
4 Oliver & Cheek  
405 Middle Street  
New Bern, North Carolina 28563  
5 (252) 633-1930  
george@olivercheek.com  
6

7 On behalf of the Bankruptcy Administrator:

8 Brian C. Behr, Esq.  
Kirstin Gardner, Esq.  
9 U.S. Bankruptcy Administrator Office  
434 Fayetteville Street, Suite 640  
10 Raleigh, North Carolina 27601  
(919) 334-3881  
11 brian\_behr@nceba.uscourts.gov  
kirstin\_gardner@nceba.uscourts.gov  
12

13 On behalf of Martha Baxley and Baxley  
Corporation, LLC:

14 Benjamin E.F.B. Waller, Esq.  
15 Hendren, Redwine & Malone  
4600 Marriott Drive, Suite 150  
16 Raleigh, North Carolina 27612  
(919) 420-7867  
17 bwaller@hendrenmalone.com

18 On behalf of the Debtor:

19 William P. Janvier, Esquire  
Janvier Law Firm  
20 311 East Edenton Street  
Raleigh, North Carolina 27601  
21 (919) 582-2323  
bill@janvierlaw.com  
22

23 Also Present: Tanya Aycock  
24  
25

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1  
2  
3                   This is the deposition of MARTHA  
4 VIRGINIA BAXLEY taken pursuant to Notice of the  
5 parties and in accordance with the Federal Rules  
6 of Civil Procedure before Lisa A. Wheeler, RPR,  
7 CRR, in the offices of the U.S. Bankruptcy  
8 Administrator, 434 Fayetteville Street, Suite  
9 640, Raleigh North Carolina, on the 29th day of  
10 October, 2019, beginning at 1:04 p.m.

11                   The reading and signing of this  
12 transcript is reserved.  
13  
14  
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24  
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1 P R O C E E D I N G S

2 Whereupon,

3 MARTHA VIRGINIA BAXLEY,

4 having been first duly sworn, was examined

5 and testified as follows:

6 EXAMINATION

7 BY MR. OLIVER:

8 Q. So I'm George Oliver. We met just a  
9 few minutes ago.

10 A. Yes.

11 Q. I'm representing the trustee in your  
12 husband's bankruptcy case --

13 A. Yes.

14 Q. -- Holmes Harden.

15 A. Yes.

16 Q. We also -- around the table we have  
17 Brian, Tanya, and Kirstin from the Bankruptcy  
18 Administrator's Office and then we have -- I  
19 think you probably met Bill Janvier. Of  
20 course --

21 A. I haven't.

22 Q. -- you've met --

23 MR. JANVIER: I don't think so.

24 MR. OLIVER: Okay. I'm sorry.

25 MR. JANVIER: Nice to meet you.

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1 THE WITNESS: You, too.

2 BY MR. OLIVER:

3 Q. Yeah. Bill is your husband's lawyer  
4 and then --

5 A. Yes.

6 Q. -- of course, you know Ben. And then  
7 Lisa Wheeler here is taking down what we say.  
8 And so I'll ask you if you've ever done this  
9 before.

10 A. No.

11 Q. Okay. So it's a conversation, but we  
12 have to be careful not to talk over each other --

13 A. Right.

14 Q. -- and we have to be careful to use  
15 verbal responses instead of shakes and nods and  
16 uh-huhs, okay? And if you don't understand a  
17 question, please let me know and I will try to  
18 rephrase it for you or -- or maybe it's just a  
19 bad question. I can ask it a better way.

20 A. Okay.

21 Q. And sometimes I may have to remind you  
22 of these rules. I'm not trying to be rude, but I  
23 am trying to make the best transcript we can do.

24 A. Okay.

25 Q. Okay. Great. So if you need a break

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1 any time, please let me know. I would ask that  
2 you answer whatever question's on the table so I  
3 don't lose my place. Is that good?

4 A. Yes.

5 Q. Okay. And Brian may have some  
6 questions for you also after I get done. We've  
7 got the same kind of things, but I don't know  
8 what's in his brain exactly so --

9 A. Okay.

10 Q. -- we'll do our best. So I have  
11 questions about your husband's bankruptcy but  
12 also --

13 A. Uh-huh.

14 Q. -- Baxley Corp., LLC.

15 A. Uh-huh.

16 Q. Who are the owners of Bax- -- Baxley  
17 Corp., LLC?

18 A. Myself and my father-in-law, Rudy.

19 Q. Rudy.

20 A. Uh-huh.

21 Q. We just talked to Rudy.

22 A. Yes.

23 Q. Okay. What percentage do you own?

24 A. 75.

25 Q. And what percentage does he own?

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1 A. The rest, 25.

2 Q. 25. Okay. And I understand that the  
3 company was formed around May of 2016?

4 A. Yes.

5 Q. Okay. And that your father-in-law --  
6 the way he described it is he gave money to  
7 Brandon to invest in Nello's, 30-, \$35,000. He  
8 doesn't know when. They caught Nello's cheating  
9 and so they sued.

10 A. Uh-huh.

11 Q. And then the money came from a  
12 settlement from a lawsuit and he said he directed  
13 that money go into Baxley Corp., LLC, and if it  
14 wasn't paid back to Rudy within a year, he would  
15 have 25 percent ownership.

16 A. That's the way I understand it. I was  
17 not involved personally in any of that.

18 Q. Okay. Who was involved in that?

19 A. My husband, I guess.

20 Q. Okay.

21 A. Yeah.

22 Q. And his dad?

23 A. Yes.

24 Q. Okay. So before -- if he's right about  
25 the time line as I understand it, then the



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1 settlement with Nello's happened December of '16,  
2 and a year after that would have been December of  
3 '17, and that would mean that he would have  
4 gotten 25 percent sometime after December of '17  
5 or in December of '17. Does that sound right to  
6 you or is it different?

7 A. I have -- I -- I really am not aware of  
8 the specifics.

9 Q. Okay. I see.

10 A. Yeah. I'm sorry.

11 Q. So -- so you know at some point, he got  
12 25 percent?

13 A. Yes.

14 Q. But before that who owned that --

15 A. I'm not aware. I'm just -- I'm not  
16 sure of the time line.

17 Q. Okay.

18 A. Yeah.

19 Q. Right. Right. Okay. Who owned that  
20 25 percent before he did?

21 A. I did.

22 Q. So you owned a hundred percent when it  
23 was formed?

24 A. Uh-huh.

25 Q. Yes?

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1 A. Yes.

2 Q. Okay. Sorry.

3 A. Sorry.

4 Q. I've got to --

5 A. No.

6 Q. What amount of money did you pay for  
7 your hundred percent ownership when the company  
8 started?

9 A. Well, I know that I gave Brandon  
10 \$10,000.

11 Q. Okay.

12 A. Yeah.

13 Q. And what was that for?

14 A. It was because we were trying to keep  
15 the doors open.

16 Q. Okay. Is that when the company  
17 started?

18 A. Yeah. It -- well, it was early 2016.  
19 It was when my daughter was still in the  
20 hospital.

21 Q. Okay. What was --

22 A. Yeah.

23 Q. -- your daughter in the hospital for?

24 A. She was born nine weeks early, so we  
25 were in the hospital for three months.

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1 Q. So it was when she -- when was she  
2 born?

3 A. She was born February 2016.

4 Q. February 2016. Okay.

5 A. Uh-huh.

6 Q. And is that the time that Baxley Corp.  
7 was being started?

8 A. Yes.

9 Q. Okay. About the -- about that time  
10 when she was in the hospital -- she was in the  
11 hospital for nine weeks?

12 A. Yes.

13 Q. Okay.

14 A. Well, no. She was born nine weeks  
15 early.

16 Q. Oh, I'm sorry.

17 A. She was in the hospital for six weeks  
18 and I was in the hospital before she was born for  
19 three weeks, so --

20 Q. Gotcha. So that's the --

21 A. -- it was nine weeks.

22 Q. -- nine weeks? Okay. I understand.

23 A. Yeah.

24 Q. So that nine weeks would take us to, I  
25 don't know, mid March, early April?

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1 A. I can't tell you for sure --

2 Q. Okay.

3 A. -- when it was. You could look at --  
4 you'll have my savings account records and you  
5 could look at withdrawals --

6 Q. Okay.

7 A. -- from that time.

8 Q. All right.

9 A. It wasn't a \$10,000 withdrawal. It was  
10 several -- it was at least a couple -- two or  
11 three withdrawals --

12 Q. Okay.

13 A. -- around that time.

14 Q. And -- and you gave that to Brandon to  
15 start the company?

16 A. Uh-huh.

17 Q. Okay. Yes?

18 A. Yes.

19 Q. Okay.

20 (EXHIBIT 20, IRS Employer  
21 Identification Number Letter, 5/17/2016, was  
22 previously marked for identification.)

23 BY MR. OLIVER:

24 Q. We have looked at some documents  
25 earlier today and I'm going to show you -- those

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1 have already been numbered. I may have some more  
2 for you with new numbers, but this was Exhibit 20  
3 from this morning and this is -- this is  
4 something that was -- yeah, that's right. Ben  
5 will help us. Number 20. This is the IRS giving  
6 the employer identification number for Baxley  
7 Corp., LLC, which is done when the company is  
8 formed so that you can have a number for taxes,  
9 right?

10 A. Okay.

11 Q. It says, Baxley Corporation, Brandon  
12 Baxley, sole member. Was he the sole member when  
13 it was formed?

14 A. That is not my understanding, no.

15 Q. Okay.

16 (EXHIBIT 21, Bank of America Bank  
17 Checking Account Statement, May 31, 2016, to May  
18 31, 2016, was previously marked for  
19 identification.)

20 BY MR. OLIVER:

21 Q. The next thing we looked at was Exhibit  
22 21, which is the opening of a bank account for  
23 Baxley Corp., LLC.

24 A. Uh-huh.

25 Q. And this looks like it was opened on

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1 May 31st of 2016.

2 A. Okay.

3 Q. Do you see that there where it's zero  
4 balance and then there's money put in to start  
5 the account?

6 A. Yes.

7 (EXHIBIT 22, Bank of America Signature  
8 Card and Account Opening Documents, April 4,  
9 2019, was previously marked for identification.)

10 BY MR. OLIVER:

11 Q. The next exhibit is 22 and if you could  
12 go to the fourth page of Exhibit 22, I'm going to  
13 ask you about that. So this is the opening of  
14 the Bank of America account on May 31st of 2016.

15 A. Okay.

16 Q. Do you see that Brandon has done that?

17 A. I see his name, yes.

18 Q. Does that look like his handwriting?

19 A. No.

20 Q. What about the next page, does that  
21 look like his signature?

22 A. That does look like his signature.

23 Q. Okay. And if you go -- if you see  
24 above his signature it says, in witness whereof  
25 and intending to bind the company, I have

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1 hereunto subscribed my name as a member/manager  
2 of the company this 31st day of May, 2016.

3 Is that what he signed?

4 A. Yes, that's what I see there, too.

5 Q. And on the page before that he is  
6 listed as the member/manager in two different  
7 places, isn't he?

8 A. Yes. I see that.

9 Q. Are you aware that he also signed his  
10 e-mails as like managing director, manager, those  
11 sorts of things?

12 A. I'm -- I'm not familiar with his  
13 e-mails, yeah.

14 Q. Okay.

15 A. Yeah.

16 Q. And these are e-mails that he sent on  
17 behalf of Baxley Corp., LLC?

18 A. Okay.

19 Q. You're not familiar with any of those  
20 e-mails?

21 A. I haven't -- we don't e-mail back and  
22 forth through his work account.

23 Q. Okay.

24 A. Yeah. So I've not seen his  
25 signature --

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1 Q. Okay.

2 A. -- that I can recall.

3 Q. When -- when this Nello's settlement  
4 happened --

5 A. Uh-huh.

6 Q. -- the way I understand it from looking  
7 at the lawsuit, and it doesn't always tell the  
8 story, but there was a company called Commercial  
9 Holdings Corp. --

10 A. Okay.

11 Q. -- that was the plaintiff.

12 A. Okay.

13 Q. Were you ever an owner in Commercial  
14 Holdings Corp.?

15 A. No.

16 Q. Was that all owned by Brandon?

17 A. I'm not even familiar with that --

18 Q. Okay.

19 A. -- company so I couldn't tell you.

20 Q. Did you have any involvement in the  
21 company that invested in Nello's?

22 A. I did not.

23 Q. Okay. Do you have any knowledge of  
24 that lawsuit or the dispute?

25 A. I don't. To be perfectly honest with



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1 you, I intentionally kept my ears closed. I told  
2 Ben this yesterday, but my -- one of my best  
3 friends' brother-in-laws that -- was the guy that  
4 started Nello's. So I --

5 Q. Okay.

6 A. -- didn't want it to interfere with  
7 friendship so from the very beginning, I was not  
8 wanting that relationship to happen.

9 Q. Okay.

10 A. Yeah. So I did -- I just tuned it out,  
11 didn't --

12 Q. Did -- did you understand that money  
13 had come from that lawsuit back to Brandon's  
14 company, the Commercial Holdings Corp.?

15 A. I was aware of that, yes.

16 Q. Do you know how much money it was?

17 A. I am not aware of the specific amount,  
18 no.

19 Q. Are you aware generally of how much it  
20 was?

21 A. I am hesitant to say because I don't --  
22 I -- I've never -- I'm not -- no.

23 Q. Was it more than \$500,000?

24 A. No. Gosh, no.

25 Q. Was it less than \$100,000?

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1           A.     Yes.

2           Q.     Okay.

3           A.     Yeah.

4           Q.     Do you know what happened to that

5 money?

6           A.     It was used for operations of the

7 company.

8           Q.     Which company?

9           A.     Baxley.

10          Q.     Okay.

11          A.     Yeah.

12          Q.     Baxley -- what is it? Baxley Corp.,

13 LLC?

14          A.     Uh-huh.

15          Q.     Okay. So that was deposited from --

16 directly into the Baxley Corp., LLC, from the

17 settlement?

18          A.     I have no idea.

19          Q.     Okay.

20          A.     Yeah.

21          Q.     You don't know anything about that

22 transaction --

23          A.     Uh-uh.

24          Q.     -- or how the money flowed?

25          A.     Correct.

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1 Q. Okay.

2 A. Yeah.

3 Q. Do you know how much your father-in-law  
4 gave to your husband to invest in Nello's back  
5 when it first happened?

6 A. I don't.

7 Q. Okay. Do you know if that number was  
8 the same as the number that came from the Nello's  
9 settlement or less?

10 A. I have no idea.

11 Q. Okay. Back to Exhibit 22. The first  
12 page here, this is a -- a bank document from --  
13 if you turn to the third page, you'll see it's  
14 from April 4th of 2019.

15 A. Which page are you looking at, the  
16 fourth?

17 Q. Third -- third -- the third page of  
18 Exhibit 22.

19 A. Okay.

20 Q. You see it's from April 4th of 2019?

21 A. Uh-huh.

22 Q. Who signed there on behalf of the  
23 business?

24 A. That looks like Brandon's signature.

25 Q. Okay. And this is saying that -- this

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1 is -- if you go to the first page, it's  
2 author- -- it's listing the authorized persons to  
3 sign on the company bank account.

4 A. Uh-huh.

5 Q. Go to that first page with me, please.  
6 Do you see who's listed as authorized signatures?

7 A. I do see that.

8 Q. It's Rudolph Baxley, Brandon Baxley,  
9 and Jonathan Keith, right?

10 A. Correct.

11 Q. Why are you not listed as an authorized  
12 signer?

13 A. I don't know.

14 Q. Do you sign checks for Baxley Corp.,  
15 LLC?

16 A. I do.

17 Q. Did you back in April of 2019?

18 A. I -- yes. That's this year, right?  
19 Yes. Yes.

20 Q. Okay. Did you authorize the company to  
21 take you off as a signer as of April 4th, 2019?

22 A. Not that I recall, no.

23 Q. Go -- turn through this exhibit until  
24 you get to -- down at the bottom right there's  
25 little numbers. It says, BANA\_Baxley. Go to the

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1 one that says BANA\_Baxley-939.

2 MR. WALLER: I hope you can read that.

3 THE WITNESS: I can.

4 MR. OLIVER: Huh?

5 MR. WALLER: I said I hope she can read  
6 that.

7 MR. OLIVER: Oh.

8 A. I just turned 40 so my eyesight hasn't  
9 gone yet.

10 Q. I've just got my first bifocals. I'm  
11 with you. This -- it looks like -- that's it.  
12 Yeah. So do you see the account number on that?  
13 It ends in 9364.

14 A. Yes.

15 Q. And if you go back to the first page,  
16 it ends in 9348. So that's two different  
17 accounts, right?

18 A. I'm sorry. I'm -- I'm mixed --

19 Q. On the first --

20 A. -- up again.

21 Q. -- page the account number's 9348.

22 A. Oh, yes, I see that there.

23 Q. So there's two different accounts, two  
24 different authorizations for the two accounts?

25 A. Yes.

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1 Q. How many Bank of America accounts did  
2 Baxley Corp., LLC, have?

3 A. I was aware of two.

4 Q. Just these two?

5 A. Yeah.

6 Q. The two that are here?

7 A. Yes.

8 Q. Do you see that on this Page 939 you're  
9 also not listed as a signer for that account  
10 either?

11 A. I do see that.

12 Q. It's just Jonathan Keith, Brandon  
13 Baxley, and Rudolph Baxley, right?

14 A. Correct.

15 Q. And is that also signed on April 4th by  
16 Brandon Baxley?

17 A. It appears to be, yes.

18 Q. Okay. What are Brandon's day-to-day  
19 duties with Baxley Corp.?

20 A. Mac- -- mainly project management.

21 Q. Okay.

22 A. Yes.

23 Q. What does that mean?

24 A. He directs crews on the ground, lines  
25 up equipment, whatever you do to manage a

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1 project.

2 Q. Okay. Has that always been his role  
3 with Baxley Corp.?

4 A. As far as I know.

5 Q. Okay. And since 2016 when it started?

6 A. Yes. He's always been directing crews.

7 Q. Has his role ever changed since the  
8 business started as far as his -- his day-to-day  
9 duties?

10 A. I am not involved in the daily  
11 operations --

12 Q. Okay.

13 A. -- so I'm not familiar with all of it.

14 Q. So do you -- is it fair to say you  
15 don't know exactly what he does day to day?

16 A. Everything that he does day to day, no,  
17 I -- I'm not familiar.

18 Q. Okay.

19 A. Yeah. I have a general idea.

20 Q. Is it fair to say you don't know if his  
21 duties have changed since 2016?

22 A. Yeah, I don't know.

23 Q. Okay.

24 A. Yes.

25 Q. What are your duties with the company?

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1 A. Financial responsibility.

2 Q. Okay. What does that mean?

3 A. Uh-huh. That means that all of the  
4 bond lines, the insurance, the credit lines with  
5 vendors is all me.

6 Q. Now, you're the only one that would  
7 have signed a personal guaranty for those things,  
8 right?

9 A. Correct.

10 Q. Okay. You're --

11 A. As far as I know.

12 Q. -- the only one that would have signed  
13 for a bond?

14 A. Yes --

15 Q. And --

16 A. -- as far as I know.

17 Q. -- credit lines?

18 A. Yes.

19 Q. Any sort of borrowing would have just  
20 been in your name?

21 A. Yes.

22 Q. Okay. Anything else that are your --  
23 your duties for the company?

24 A. I sign checks. I don't know why I'm  
25 not on there, but I do sign checks.



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1 Q. Okay. Does anyone else sign checks?

2 A. I have never seen anyone else sign a  
3 check.

4 Q. Okay.

5 A. So I'm not -- I'm not aware of who else  
6 signs. Seems that these three people all have  
7 that right, too.

8 Q. Okay. How did -- who gives -- who  
9 tells you what checks to sign?

10 A. Brandon.

11 Q. Okay. And they are just presented to  
12 you in a stack to sign?

13 A. Uh-huh.

14 Q. Yes?

15 A. Yes.

16 Q. Okay. Has that always been the case  
17 since the company started?

18 A. Yes.

19 Q. Who does the profit and loss and  
20 balance sheets for the company?

21 A. I am not familiar with who that would  
22 be.

23 Q. Have you ever seen one?

24 A. No.

25 Q. Okay. Does the company have

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1 QuickBooks?

2 A. Yes.

3 Q. Have you ever accessed it?

4 A. No. We have a -- a -- Less Back  
5 Office, a company that work -- we work with.

6 Q. What's it called?

7 A. Less Back Office.

8 Q. L-e-s?

9 A. Yes. L-e-s-s.

10 Q. Oh, Less. I'm sorry.

11 A. Yes.

12 Q. I thought it was the name of a  
13 person --

14 A. No.

15 Q. -- like Leslie Backoffice. All right.  
16 So Less --

17 A. They -- they handle --

18 Q. Sorry.

19 A. -- like the bookkeeping.

20 Q. So they handle that for the company?

21 A. Yes.

22 Q. Have they always done that since '16,  
23 since it started?

24 A. I'm not aware of when they came into  
25 the relationship.

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1 Q. Okay. And what sort of things do they  
2 do for accounting for the business?

3 A. I don't work with them directly so I  
4 can't speak to that.

5 Q. Who does?

6 A. I -- I don't know if that's Brandon or  
7 Jonathan or -- it probably would not be Rudy so  
8 one of the two --

9 Q. Okay.

10 A. -- Brandon or Jonathan.

11 Q. Okay. So you don't receive like profit  
12 and loss statements?

13 A. Uh-uh. I've never seen one.

14 Q. Okay. Or balance sheets?

15 A. I've never seen one.

16 Q. Do you review the tax return before  
17 it's filed?

18 A. I do and I sign for it.

19 Q. I understand you sign for it.

20 A. Yes.

21 Q. Do you review it in detail before you  
22 sign it?

23 A. I looked at it before I signed it, yes.

24 Q. Okay. Are you the only person that  
25 signs it?

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1 A. I am not sure.

2 Q. Okay.

3 A. Yeah. I don't remember. I don't  
4 recall any other signatures.

5 Q. Do you --

6 A. I was the only one that it was  
7 presented to at the time that I signed it.

8 Q. Okay. Do you speak with the accountant  
9 yourself about the tax return?

10 A. I don't.

11 Q. Who does?

12 A. I don't know.

13 Q. Who -- who --

14 A. I've not witnessed those conversations.

15 Q. Who presents the tax return to you to  
16 sign?

17 A. Brandon gave it to me.

18 Q. Okay.

19 A. Yes.

20 Q. Has that been the case since the  
21 company started?

22 A. Yes.

23 Q. Okay. Did -- how many hours a week  
24 would you say Brandon works for the company?

25 A. 60.

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1 Q. That's what Jonathan said so sounds  
2 about right. How many hours a week do you think  
3 Jonathan works for the company?

4 A. 60.

5 Q. Okay. And how about Rudy?

6 A. 60.

7 Q. Okay. And how about you?

8 A. Ten to 12.

9 Q. Okay. And is it all from your home?

10 A. Yes.

11 Q. I understand that's where the office  
12 is?

13 A. It is.

14 Q. All right. How long has the business  
15 been located in your home?

16 A. From inception.

17 Q. Okay. I imagine the employees don't  
18 come there, right; they're just out in the field?

19 A. No. They do sometimes.

20 Q. They do?

21 A. Yeah, to pick up paychecks and stuff.

22 Q. I see. Okay.

23 A. Yes.

24 Q. Do you remember a time that Jonathan  
25 became a manager of the company?

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1           A.    I -- do I remember when he beca- --  
2    like are you asking if I remember --

3           Q.    Do you remember him being hired?

4           A.    I do, yes.

5           Q.    Okay. Was that early in the company,  
6    like 2016?

7           A.    Perhaps.

8           Q.    Okay.

9           A.    Yeah.

10          Q.    Do you remember his role ever changing  
11   since he was hired?

12          A.    Yes.

13          Q.    Okay. When was that?

14          A.    I don't -- I'm not -- I'm not aware of  
15   the time line.

16          Q.    Okay. In what way did his role change?

17          A.    Well, I believe he started off doing  
18   mostly estimating and -- and bidding.

19          Q.    Okay.

20          A.    And he still does that, but he also  
21   manages the company --

22          Q.    Okay.

23          A.    -- for us.

24          Q.    Do you know when he started doing that?

25          A.    I -- I don't.

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1 Q. Do you know why he started doing that?

2 A. I don't. I was not involved in that  
3 conversation or decision.

4 Q. Okay. You didn't decide to promote him  
5 to manager, for example?

6 A. No.

7 Q. Who did that?

8 A. I assume Brandon.

9 Q. Okay. Do you know if the timing of  
10 that had anything to do with Brandon filing  
11 bankruptcy?

12 A. I don't.

13 Q. Okay.

14 A. I don't know.

15 Q. It looks like it was within a week or  
16 ten days of the same thing so I just didn't --

17 A. Okay.

18 Q. -- know if there was a reason.

19 A. I don't know.

20 Q. Don't know?

21 A. Yeah.

22 Q. We had asked for some documents and  
23 I've got a bunch of them. Did you help organize  
24 those or did someone else do that?

25 A. Jonathan did the Baxley Corporation

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1 documents.

2 Q. Okay.

3 A. Yeah.

4 Q. Gotcha. Where did he find all those  
5 documents?

6 A. I -- I assume in his computer. I don't  
7 know.

8 Q. Okay.

9 A. I don't know what documents were  
10 presented to you.

11 Q. Does the company keep financial  
12 documents in paper form?

13 A. We have lots of files at home in our  
14 basement.

15 Q. Okay.

16 A. Yes. So I imagine he came over and  
17 went through those as well.

18 Q. I gotcha.

19 A. Yeah.

20 Q. So what -- how far back do you keep  
21 records?

22 A. I am not involved in the filing of  
23 records so I don't know.

24 Q. Okay.

25 A. I'm not familiar.



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1 Q. Who handles that?

2 A. Brandon works from our house mostly.

3 Q. So he would --

4 A. Yeah.

5 Q. -- do the filing? He would know where

6 everything is?

7 A. I assume so, yeah.

8 Q. Okay. Gotcha. You don't know; he

9 would know --

10 A. Per --

11 Q. -- is that fair?

12 A. I would -- yes.

13 Q. Okay.

14 A. It's not me.

15 Q. I understand. What sort of

16 compensation does Brandon get from the business,

17 from -- from Baxley Corp.?

18 A. He -- he doesn't. He doesn't get a

19 paycheck.

20 Q. Doesn't get a paycheck?

21 A. Correct.

22 Q. Why does he work 60 hours a week for

23 no --

24 A. Because we're hoping --

25 Q. -- paycheck?

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1           A.    -- to build something where he will get  
2   a paycheck.

3           Q.    Okay.  So he's never received a  
4   paycheck?

5           A.    Not that I'm aware of.

6           Q.    Does he have a set amount that he would  
7   be paid if the business could afford to pay him?

8           A.    I don't believe we've had any  
9   discussions around that.

10          Q.    Okay.

11          A.    Yeah.

12          Q.    So he's not owed payroll checks that he  
13   hasn't been paid; he just --

14          A.    I have no idea.

15          Q.    Okay.

16          A.    Yeah.

17          Q.    Who would know that?

18          A.    Perhaps Jonathan.

19          Q.    Okay.

20          A.    Yeah.

21          Q.    The company isn't carrying like a debt  
22   to Brandon for past payroll?

23          A.    I have no idea.

24          Q.    Okay.  Gotcha.

25          A.    Yeah.

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1 Q. Because that would be on the balance  
2 sheet, right, and you haven't seen those?

3 A. Correct. I haven't seen those.

4 Q. Does the company pay any of Brandon's  
5 expenses?

6 A. Some of our -- our household expenses  
7 like power bill, cell phones --

8 Q. Okay.

9 A. -- yeah, because we have a home office.

10 Q. All right.

11 A. Uh-huh.

12 Q. Other than the power bill and cell  
13 phones, what other sorts of personal expenses  
14 does the company pay for you?

15 A. I am -- I told this to Ben yesterday.  
16 Brandon and I keep our finances totally separate,  
17 so I have bills I pay and he has bills he -- he  
18 pays, but I'm not --

19 Q. Okay.

20 A. -- aware of the specifics of what he  
21 pays and how much and --

22 Q. So you have your own bank account that  
23 he's not on?

24 A. Yes.

25 Q. That's a personal account?

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1 A. Yes.

2 Q. Okay. What sort of bills do you pay  
3 from that account?

4 A. Our mortgage --

5 Q. Okay.

6 A. -- water bill, sewer, recycling, trash,  
7 car insurance, childcare. There's probably a lot  
8 more I'm forgetting. Groceries.

9 Q. Grocery -- okay.

10 A. Diapers.

11 Q. What does Brandon pay?

12 A. I -- like I said, I --

13 Q. Are there other household bills that --

14 A. I mean -- yeah.

15 Q. -- you can just list?

16 A. So like our power bill and our cell  
17 phone bill.

18 Q. Okay. And he -- he pays that from his  
19 own account?

20 A. I don't -- I have not witnessed him  
21 paying them, so I don't know if the company  
22 writes a check or if he writes a check. So I --

23 Q. Okay.

24 A. -- couldn't tell you.

25 Q. You know they are paid because the

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1 power works and the cell phones work, right?

2 A. Yes.

3 Q. But you don't know if he has a personal  
4 account or just uses the company account?

5 A. I don't know. We are completely  
6 separate.

7 Q. Does the --

8 A. He's not even on my accounts so...

9 Q. Does he have a bank account in his own  
10 name?

11 A. I don't -- you'd have to ask him.

12 Q. Okay.

13 A. Yeah. I don't know.

14 Q. Okay. You just don't know if he has a  
15 bank account?

16 A. I know that sounds weird, but we don't.

17 Q. I -- I'm -- no. I'm -- I'm not  
18 judging. I'm just --

19 A. We don't --

20 Q. -- curious.

21 A. We don't have our finances combined  
22 whatsoever, so I don't --

23 Q. Okay.

24 A. We don't file taxes together. We  
25 don't...

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1 Q. If he didn't have a bank account, I  
2 don't know if he does or not, in his own name,  
3 what source of money would he have for -- to buy  
4 anything?

5 A. I don't know. You'd have to ask him  
6 that.

7 Q. Okay.

8 A. Yeah.

9 Q. So you don't ever give him money?

10 A. No.

11 Q. Right. Do you know if he has a credit  
12 card in his own name?

13 A. I don't know. I know we have credit  
14 cards. I don't know if they're company or  
15 personal.

16 Q. Okay.

17 A. Yeah.

18 Q. You -- I saw some records that looked  
19 like he does have a company credit card and  
20 you --

21 A. Okay.

22 Q. -- do, too.

23 A. I do. I know I do, yes.

24 Q. What do you use your -- yours for?

25 A. For gas for meetings and stuff and

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1 lunch meetings and --

2 Q. Okay.

3 A. -- things like that. Yeah.

4 Q. Nothing else? You don't use anything  
5 for personal items?

6 A. I don't, no.

7 Q. No. Your -- your credit card, do you  
8 use your business credit card for any personal  
9 items?

10 A. I don't.

11 Q. Okay.

12 A. No.

13 Q. I thought you said I don't know. I'm  
14 sorry. You said --

15 A. No. I said --

16 Q. -- I don't, comma, no.

17 A. -- I don't, no. Yes. Sorry.

18 Q. It's like that Less --

19 A. That's confusing.

20 Q. -- that pesky Les Backoffice guy. Do  
21 you know if Brandon uses his company credit card  
22 for personal items?

23 A. I -- I do not know how he uses his.

24 Q. Do you ever look at the company credit  
25 card statements?

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1 A. I do not.

2 Q. Do you look at the company bank  
3 statements?

4 A. I do not.

5 Q. Who does?

6 A. I assume Brandon and Jonathan.

7 Q. Okay.

8 A. Yeah.

9 Q. You've never looked at the company bank  
10 statements or credit card statements?

11 A. I don't recall that I've ever seen  
12 them.

13 Q. Okay.

14 A. Yeah.

15 Q. Did you guys go on a vacation to Turks  
16 and Caicos?

17 A. We did.

18 Q. About a year ago, maybe?

19 A. We did.

20 Q. Okay. Do you know how that was paid  
21 for?

22 A. Brandon paid for it.

23 Q. Do you know if he paid for it using the  
24 company credit card?

25 A. I don't know.



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1 Q. Does it matter to you as a -- as an  
2 owner of the company whether he uses the company  
3 credit card for personal items?

4 A. I trust my husband so --

5 Q. Okay.

6 A. -- I let him make those decisions.

7 Q. Okay.

8 A. Yeah.

9 Q. And you just don't know whether he does  
10 or doesn't --

11 A. I -- I don't know.

12 Q. -- use it for personal items?

13 A. Yes. Yeah, I don't know.

14 Q. Okay. Have you ever discussed -- as  
15 the owner of the company have you ever discussed  
16 putting a limit on what he can charge on the card  
17 in a month?

18 A. No.

19 Q. Do you have any idea what he has  
20 charged on the card?

21 A. No.

22 Q. Okay. Would you be surprised to know  
23 that he's charging things like Soccer Shots on  
24 the company credit card? Is that for your kids'  
25 soccer activities?

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1           A.    That sounds familiar, yeah.

2           Q.    Okay.  Would it --

3           A.    Yeah.

4           Q.    -- surprise you to know that he's using

5   company money to do that?

6           A.    Maybe.  I don't know.

7           Q.    Okay.

8           A.    Yeah.  It's -- was not a significant

9   amount of money.

10          Q.    Okay.

11          A.    Yeah.  It's like \$75 or something.

12          Q.    What about purchase of alcohol, is that

13   something you would expect him to do on the

14   company credit card?

15          A.    Maybe.  I don't know.  I know that he

16   gifts that to clients a lot.

17          Q.    Okay.

18          A.    Yeah.

19          Q.    And the Turks and Caicos vacation, if

20   that was on a credit card statement, is that

21   surprising to you as the owner?

22          A.    I -- I don't know.

23          Q.    Okay.

24          A.    Yeah.  I'm sorry.

25                (EXHIBIT 15, Chart of Credit Card

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1 Charges, Capital One - Spark Business Account  
2 Ending 9690, was previously marked for  
3 identification.)

4 BY MR. OLIVER:

5 Q. There was -- we looked at what was  
6 being charged on the company credit card just for  
7 a three-month period, and if you go to Exhibit  
8 Number -- I'll tell you -- Exhibit Number 15. We  
9 looked at all the people that have company credit  
10 cards.

11 A. Uh-huh.

12 Q. There's seven people.

13 A. Okay.

14 Q. At that time, it was you, Dencil  
15 Harrison, Sam Bradford, Rudolph Baxley, Dustin  
16 Johnson, Jeff Jackson, and Jonathan Keith.

17 A. Okay.

18 Q. And we looked at each month, August,  
19 September, and October, and looked at the totals  
20 that was charged by each person on --

21 A. Okay.

22 Q. -- their card. You see the totals  
23 there are about \$67,000 or something for those  
24 three months for all seven people?

25 A. Okay.

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1 (EXHIBIT 16, Chart of Credit Card  
2 Charges, Brandon Baxley, Capital One - Spark  
3 Business Account Ending 9690, was previously  
4 marked for identification.)

5 BY MR. OLIVER:

6 Q. And then we looked at what Brandon was  
7 charging and that's Exhibit 16. This is for the  
8 same time frame and he charged \$111,000 on his  
9 own --

10 A. Uh-huh.

11 Q. -- on the company cards. Does that  
12 number surprise you?

13 A. With the amount of money that I believe  
14 the company spends on equipment and gas and fuel  
15 and food to feed crews, no.

16 Q. Okay.

17 A. Yeah.

18 Q. So you think these are --

19 A. He also books --

20 Q. -- for equipment?

21 A. -- all the hotel rooms for all the guys  
22 and things like that.

23 Q. Okay.

24 A. Yeah.

25 Q. All right. Fair to say that you just

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1 never have seen this information because you  
2 don't look at the credit card statements?

3 A. Yes, I've never seen --

4 Q. Okay.

5 A. -- that information.

6 Q. 1211 Wake Forest Road, what is that  
7 address?

8 A. That's our house.

9 Q. So the credit card statements come to  
10 Martha V. Baxley, Baxley Corporation, at 1211  
11 Wake Forest Road. Fair to say that you don't  
12 open these when they came in?

13 A. I've never even -- yeah, I don't open  
14 them.

15 Q. Okay.

16 A. Yeah.

17 Q. All right. Does Brandon have a Venmo  
18 account?

19 A. I have no idea.

20 Q. Okay. Because I saw something tying  
21 that to the company account. I was just  
22 wondering if you were aware that he's paying that  
23 from the company funds. Did you have any idea?

24 A. I am not aware of a Venmo account.

25 Q. Tell us about the investment in Plates

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1 Kitchen.

2 A. I don't know how much I can tell you.

3 I was not involved in that.

4 Q. Okay.

5 A. Yeah.

6 Q. Are you aware that Brandon had an  
7 investment in Plates?

8 A. I'm aware that he was involved. I'm  
9 not aware that he ever actually gave them any  
10 money.

11 Q. Do you know whether that was an  
12 involvement personally or through Baxley Corp.?

13 A. I think it was personal. I don't know.  
14 Honestly, I don't -- I -- I shouldn't say because  
15 I don't know the specifics. I wasn't involved.

16 Q. Okay. Was he a manager at Plates?

17 A. I don't know what his title would have  
18 been.

19 Q. Do you know whether he received any  
20 compensation from Plates?

21 A. He did not.

22 Q. And you don't know if he put any money  
23 into Plates?

24 A. I know that he put some money into  
25 upgrading the decor.

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1 Q. Okay.

2 A. Yeah. And some repairs.

3 Q. I saw a --

4 A. I think he might have helped with

5 payroll a few times.

6 Q. Where would he have received that

7 money --

8 A. I don't know.

9 Q. -- if he doesn't have a bank account in

10 his personal name?

11 A. I'm not saying he doesn't. I'm

12 saying --

13 Q. No. I -- I --

14 A. -- I'm not aware of.

15 Q. I know. I'm just saying --

16 A. Yeah.

17 Q. -- assume for a second he doesn't.

18 Would the only source of money have come from

19 Baxley Corp., LLC?

20 A. I -- I can't say.

21 Q. Okay.

22 A. I don't know his finances.

23 Q. Do you know anything about Bicycle

24 Burger?

25 A. I do not.

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1 Q. Do you know if he had an investment in  
2 that?

3 A. I -- I'm not aware of that either.

4 Q. Okay. Or a company called Raleigh  
5 Foods, LLC, do you know anything about that?

6 A. No.

7 Q. Okay. Do you own a condo in Ramsgate?

8 A. My family does.

9 Q. It's your family condo?

10 A. Yes.

11 Q. Okay. That -- you don't have any  
12 ownership in that or --

13 A. No.

14 Q. -- or Brandon doesn't?

15 A. It's my mom and her brothers and  
16 sisters.

17 Q. Okay. Do you know anything about  
18 Carolina Landscapes North Carolina, LLC?

19 A. Uh-uh.

20 Q. I'm sorry. No?

21 A. I'm sorry. No. Yes.

22 Q. I saw an e-mail from Brandon stating  
23 that in November '15, he was converting that into  
24 Baxley Corporation. Was there any sort of merger  
25 between the two?



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1 A. I'm not aware of that.

2 Q. Okay. Are you -- do you have any sort  
3 of -- other than being the owner, are you in any  
4 sort of management position with Baxley Corp.,  
5 LLC?

6 A. That's my title, manager, yes.

7 Q. Manager?

8 A. Uh-huh.

9 Q. Okay. Are you also an officer?

10 A. I don't believe I've ever signed that  
11 title before.

12 Q. Okay.

13 A. Yeah.

14 Q. Any sort of officer, president, vice  
15 president, secretary, treasurer --

16 A. I don't --

17 Q. -- assistant secretary?

18 A. I'm not aware.

19 Q. Okay.

20 A. Yeah. Whenever I've signed my name,  
21 I've signed manager.

22 Q. Okay. And who are the other managers  
23 of the company?

24 A. Jonathan.

25 Q. Just the two of you?

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1 A. And -- I mean, I -- maybe Rudy. I  
2 don't know Rudy's title --

3 Q. Okay.

4 A. -- to be honest with you.

5 Q. And at some point, Brandon was a  
6 manager, wasn't he?

7 A. Yes.

8 Q. Okay. Is it your understanding that  
9 Brand- -- Brandon stepped down as manager at the  
10 same time Jonathan became a manager?

11 A. I -- yes.

12 Q. Okay. Is it fair to say that you don't  
13 know which jobs Baxley Corporation, LLC, is  
14 involved in right now?

15 A. Specific jobs, no. I'm not involved in  
16 the daily operations.

17 Q. Okay. And that's been the case since  
18 it opened in 2016?

19 A. Correct.

20 Q. Okay. You had said that your -- your  
21 duties are financial responsibility and you  
22 listed like bond lines, insurance, credit lines  
23 with vendors. Fair to say that you're not  
24 involved with the day-to-day money in, money out  
25 for the company?

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1 A. Yes.

2 Q. Okay. Because you don't look at the  
3 bank statements?

4 A. Correct.

5 Q. Or the credit card statements?

6 A. Correct.

7 Q. Okay. Do you know anything about the  
8 accounts receivable that's owed to the company at  
9 any given time?

10 A. No. I'm not involved in that.

11 (Reporter asks to repeat.)

12 THE WITNESS: I said, no, I'm not  
13 involved in that.

14 BY MR. OLIVER:

15 Q. Do you know how much the company's  
16 expenses are in a given month?

17 A. I do not.

18 Q. Okay. Do you know whether the  
19 company's expected to make money this year or  
20 lose money?

21 A. I do not.

22 Q. How much are you paid by Baxley Corp.?

23 A. I'm not paid by Baxley Corp.

24 Q. Okay. Do you have a job outside of  
25 Baxley Corp. that you work for?

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1           A.    I get paid through Baxley Leasing.  
2           Q.    Okay.  
3           A.    Yeah.  
4           Q.    How much are you paid by Baxley  
5   Leasing?  
6           A.    \$5,000 a month.  
7           Q.    All right. And what is that for?  
8           A.    For living expenses.  
9           Q.    No. I mean, why does the company --  
10          A.    Oh.  
11          Q.    -- pay you? What do you do for the  
12   company --  
13          A.    Oh, I --  
14          Q.    -- for Baxley Leasing?  
15          A.    I own Baxley Leasing.  
16          Q.    Okay. Do you -- how many hours a month  
17   do you -- or week, sorry, do you spend working  
18   for Baxley Leasing?  
19          A.    Ten to 12.  
20          Q.    Is it the same ten to 12 you spend for  
21   Baxley Corp.?  
22          A.    Sure. Yeah, I would say it's combined  
23   between the two.  
24          Q.    Okay.  
25          A.    Yeah. Baxley Leasing, there isn't -- I

**IN THE MATTER OF: BRANDON SCOTT BAXLEY**  
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1 mean, there isn't -- it doesn't do work so  
2 there's not --

3 Q. Okay.

4 A. -- work to do.

5 Q. What -- so do you have any duties with  
6 respect to Baxley Leasing, LLC?

7 A. Yes.

8 Q. What are those duties?

9 A. Financial.

10 Q. Is it the same financial duties that  
11 you have for the other company?

12 A. No.

13 Q. What are your financial duties for  
14 Baxley Leasing, LLC?

15 A. I lease all of the equipment.

16 Q. To whom?

17 A. Baxley Corporation.

18 Q. Does Baxley Leasing have any clients or  
19 customers other than Baxley Corporation?

20 A. No.

21 Q. Okay. What does -- now, we talked  
22 about your financial duties. What is -- what is  
23 your involvement with leasing the equipment?  
24 What do you have to do?

25 A. I sign as a guarantor on all of the

**IN THE MATTER OF: BRANDON SCOTT BAXLEY**  
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1     financials.

2           Q.     How do you determine on behalf of  
3     Baxley Leasing which equipment that you want to  
4     buy?

5           A.     Jonathan and Brandon --

6           Q.     So you're -- you're --

7           A.     -- make those decisions.

8           Q.     -- not making those decisions?

9           A.     Correct. Yeah.

10          Q.     Who set your salary at 5,000 a month  
11     from Baxley Leasing?

12          A.     I did.

13          Q.     How did you determine 5,000 a month?

14          A.     I looked at what we needed to pay for  
15     our mortgage and what other expenses I needed --

16          Q.     Okay.

17          A.     -- to cover.

18          Q.     How -- is that how you decided how much  
19     to charge Baxley Corp. by Baxley Leasing?

20          A.     No.

21          Q.     Okay. Well, how did you decide how  
22     much to charge Baxley Corp. by Baxley Leasing?

23          A.     Jonathan and Brandon and I look at the  
24     market value of whatever the equipment is --

25          Q.     Uh-huh.

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1           A.    -- and decide if it makes sense to try  
2   to purchase it and lease it back to the company  
3   or continue to lease it or rent it from another  
4   company.

5           Q.    That's United Rentals, right?

6           A.    Yes.

7           Q.    Okay.  So Baxley Corp. rents some  
8   things from United Rentals?

9           A.    Yes.

10          Q.    And it rents some things from Baxley  
11   Leasing?

12          A.    Correct.  Yes.

13          Q.    Okay.  And Jonathan and Brandon help  
14   you decide which things to buy in the name of  
15   Baxley Leasing?

16          A.    Yes.

17          Q.    Okay.  Have you ever determined on your  
18   own that you thought a piece of equipment was a  
19   good investment for Baxley Leasing or is it  
20   always with recommendations --

21          A.    Yeah.

22          Q.    -- from Baxley --

23          A.    Yeah.

24          Q.    -- and -- excuse me, Brandon and  
25   Jonathan?

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1 A. Yes.

2 Q. Okay. Have you ever disagreed with  
3 Brandon and Jonathan about the purchase of a  
4 piece of equipment for Baxley Leasing?

5 A. No.

6 Q. And the way you set your salary from  
7 Baxley Leasing was to determine what your family  
8 needed on a monthly basis for expenses?

9 A. I -- sure. Yes.

10 Q. Does Baxley Leasing -- is it  
11 profitable?

12 A. It makes enough profit for me to get  
13 paid a distribution.

14 Q. And that distribution is the 5,000 a  
15 month?

16 A. Uh-huh.

17 Q. Yes?

18 A. Yes.

19 Q. So Baxley Leasing, what other expenses  
20 does it have? Does it have any employees?

21 A. Just myself.

22 Q. Okay.

23 A. Yeah. It has insurance and then, you  
24 know, the interest rates on the equipment we're  
25 leasing.



**IN THE MATTER OF: BRANDON SCOTT BAXLEY**  
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1 Q. Who does it buy or lease equipment  
2 from?

3 A. I can't recall the companies. I don't  
4 have that in front of me.

5 Q. Is Baxley Leasing leasing equipment  
6 from other companies?

7 A. We're financing it.

8 Q. So sometimes --

9 A. We don't own anything yet.

10 Q. Sometimes you do that under a purchase  
11 and sometimes you do it under equipment lease.  
12 Do you know which it is for Baxley?

13 A. It's -- I believe it's a purchase,  
14 yeah.

15 Q. Okay. So Baxley Leasing is buying  
16 equipment and then leasing that equipment to  
17 Baxley Corporation for a set amount each month?

18 A. Each -- each piece of equipment would  
19 have a different set value, yeah.

20 Q. Okay. How much does Baxley Corp. pay  
21 to Baxley Leasing each month for leasing the  
22 equipment?

23 A. I don't have the financial information  
24 in my head and I don't have it --

25 Q. Okay.

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1           A.    -- in front of me so I could -- I  
2   couldn't tell you.

3           Q.    Is there a ballpark? Do you know  
4   generally how much it is?

5           A.    I don't know. 15- to 20,000, maybe --

6           Q.    Okay.

7           A.    -- maybe --

8           Q.    I gotcha.

9           A.    -- if you're asking for me to --

10          Q.    No.

11          A.    -- try to guess.

12          Q.    I just want to get a scope.

13          A.    Okay.

14          Q.    I didn't know if it was over 50- or --  
15   it's not as much as 30-?

16          A.    I don't -- I can't say for sure.

17          Q.    Okay. If it was 20- -- again,  
18   hypothetical, if it was 20-, can I assume that  
19   the other expenses of Baxley Leasing would be  
20   around 15- that would allow you to get 5-? So  
21   does it -- is Baxley Leasing building money every  
22   month or is it paying out everything either in  
23   expenses and your salary?

24          A.    I mean, I don't think we're zeroing out  
25   the account if that's what you're asking.

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1 Q. Okay.

2 A. Yeah.

3 Q. Do you --

4 A. But it's -- the -- I -- the profits  
5 aren't anything for me to get excited about.

6 Q. I understand. Do you know how much is  
7 in the Baxley Leasing account now?

8 A. I don't, no --

9 Q. Okay.

10 A. -- not off the top of my head.

11 Q. Do you know generally how much it would  
12 be?

13 A. I don't.

14 Q. Okay. Are there written leases between  
15 Baxley Leasing, LLC, and Baxley Corp.?

16 A. I assume so. I can't recall right now.  
17 I can't recall right now that I've seen one  
18 recently.

19 Q. Have you ever seen one?

20 A. I can't recall.

21 Q. Okay.

22 A. Yeah.

23 Q. Do you remember ever signing one?

24 A. I sign a lot of stuff. I can't recall  
25 specifically.

**IN THE MATTER OF: BRANDON SCOTT BAXLEY**  
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1 Q. Okay.

2 A. Yeah.

3 Q. If there was a lease, would it have  
4 been something that you drafted or something that  
5 was presented to you to sign?

6 A. Probably presented to me to sign, yeah.  
7 I have not drafted a lease myself.

8 Q. Okay. And who would have presented  
9 that to you to sign?

10 A. Brandon or Jonathan.

11 Q. Do you know how many -- how many  
12 employees Baxley Corp., LLC, has?

13 A. I sign the paychecks every week. I  
14 don't know. I can't give you a specific number.  
15 30ish, maybe, if I had to guess.

16 Q. Okay. When you sign the paychecks, do  
17 you compare them to time sheets?

18 A. I do not.

19 Q. Do you -- do you verify any of the  
20 information or just sign the sta- -- the checks?

21 A. I just sign the checks.

22 Q. Okay. And when you sign other checks  
23 for expenses for the company, say health  
24 insurance, do you have an invoice with the check  
25 or you just sign the check?

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1 A. I usually have invoices with the check.

2 Q. You do?

3 A. Yeah.

4 Q. Okay. Why -- why did you start Baxley  
5 Corp., LLC?

6 A. Me personally are you asking or --

7 Q. Yes.

8 A. Okay.

9 Q. As -- as the owner, why -- why did you  
10 start the company?

11 A. Well, it's -- it was our hope that it  
12 would be my exit strategy from working outside  
13 of -- for another company, that it was -- that we  
14 could get it to be a woman-owned business and  
15 that the additional profit that we'd be able to  
16 make off of that -- having that label and that  
17 status with government contracts would allow us  
18 to make enough money to justify me quitting my  
19 job.

20 Q. Did you quit your job?

21 A. I did.

22 Q. Okay. And when did you quit your job?

23 A. September '18.

24 Q. So you contin- --

25 A. About a year ago.

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1 Q. So you continued to work full-time  
2 until then --

3 A. I did --

4 Q. -- at your other job?

5 A. -- because I couldn't afford to quit.

6 Q. I understand.

7 A. Yes.

8 Q. And what was that job?

9 A. I worked at WakeMed Foundation.

10 Q. Okay.

11 A. Uh-huh.

12 Q. What did you do for them?

13 A. Nonprofit fundraising.

14 Q. Okay. Gotcha. Did you have any  
15 background in construction work --

16 A. No.

17 Q. -- when you started Baxley Corp.?

18 A. No.

19 Q. Do you have any background in  
20 construction work now?

21 A. No.

22 Q. Did you have any background in any of  
23 the other things that Baxley Corp. has done over  
24 the years?

25 A. No.

**IN THE MATTER OF: BRANDON SCOTT BAXLEY**  
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1 Q. I understand that Jonathan became a  
2 manager -- we looked it earlier today -- maybe  
3 June of 2018? Does that sound right to you or do  
4 you not know?

5 A. I have no idea.

6 Q. Okay.

7 A. Yeah.

8 Q. You know it happened at some point?

9 A. I do know it happened at some point,  
10 yeah.

11 Q. Before that time is it fair to say that  
12 Brandon was directing the -- the company?

13 A. Yes.

14 Q. Okay. And that's Baxley Corp., LLC?

15 A. Uh-huh. Yes.

16 Q. Was he making all the day-to-day  
17 decisions?

18 A. As far as I know, yes.

19 Q. And you were working full-time for  
20 WakeMed --

21 A. Right.

22 Q. -- Foundation?

23 A. Yes.

24 Q. Okay. Do you know whether that --  
25 whether Brandon's involvement has changed since

**IN THE MATTER OF: BRANDON SCOTT BAXLEY**  
**Martha Virginia Baxley on 10/29/2019**

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1 Jonathan became a manager?

2 A. I have no idea.

3 Q. Okay. Have you seen -- again, as the  
4 owner of the company, have you seen any  
5 difference in the way the company was operated  
6 before that date and after that date?

7 A. I'm not involved in operations so I  
8 can't --

9 Q. Okay.

10 A. -- speak to it.

11 Q. You just don't know?

12 A. Yeah.

13 Q. Okay. And you and Brandon don't talk  
14 about the business at home?

15 A. We do sometimes, yeah.

16 Q. Okay.

17 A. He has -- we have a home office so I  
18 hear conversations --

19 Q. Right.

20 A. -- on the phone and -- yeah.

21 MR. OLIVER: Okay. Can we take a quick  
22 break? I may be done.

23 THE WITNESS: Okay.

24 (Whereupon, there was a recess in the  
25 proceedings from 1:44 p.m. to 1:47 p.m.)



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1 MR. OLIVER: Thank you. I think Brian  
2 has a few questions for you.

3 THE WITNESS: Okay.

4 MR. BEHR: Yeah. Get you out of here  
5 quickly.

6 EXAMINATION

7 BY MR. BEHR:

8 Q. Ms. Baxley, my name is Brian Behr. I'm  
9 a staff attorney with the United States  
10 Bankruptcy Administrator's Office. When did you  
11 and Brandon marry, what year?

12 A. 2008.

13 Q. 2008. Okay. And were you familiar  
14 with all his business dealings from 2008 to the  
15 present, generally aware --

16 A. Aware --

17 Q. -- what he was doing?

18 A. Yes.

19 Q. Okay.

20 A. Yeah.

21 Q. So Baxley Corporation was created in  
22 mid 2016, right?

23 A. I know it was 2016.

24 Q. Okay. Whenever --

25 A. Yeah.

**IN THE MATTER OF: BRANDON SCOTT BAXLEY**  
**Martha Virginia Baxley on 10/29/2019**

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1 Q. Whenever it started in 2016, what was  
2 Brandon doing immediately prior to that?

3 A. You mean what project or --

4 Q. Yeah. What sort of work was he  
5 involved in?

6 A. He was doing a lot of tree removal and  
7 site clearing, I think.

8 Q. So things similar to what Baxley  
9 Corporation, LLC, does?

10 A. No, I would not --

11 Q. How did --

12 A. -- say similar.

13 Q. -- it change?

14 A. Well, Baxley does a lot of bridge and  
15 infrastructure repair and disaster relief. He  
16 was -- I just remember when my daughter was in  
17 the hospital, his big project was Lendlease and  
18 they were building a building and he -- they were  
19 doing site clearing for it and landscaping stuff,  
20 planting things.

21 Q. So that was the business prior to 2016?

22 A. Yes.

23 Q. Okay. What equipment -- well, let  
24 me -- let me strike that question. Let me ask it  
25 a different way.

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**Martha Virginia Baxley on 10/29/2019**

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1                   You mentioned that he needed \$10,000 to  
2   keep the lights on around the time of mid 2016;  
3   is that right?

4           A.    Uh-huh.

5           Q.    All right.  And what -- what sort of  
6   lights on?  I don't understand.

7           A.    Payroll.

8           Q.    Payroll?

9           A.    Yeah.

10          Q.    So he had people working for him?

11          A.    Yeah.

12          Q.    Okay.  And so he had projects when he  
13   initially started?

14          A.    Yeah.

15          Q.    Okay.  And at that point, did you buy  
16   your equity in the company?

17          A.    I don't know that I bought my equity  
18   into the company, but I -- I gave him -- I gave  
19   the company money.

20          Q.    Okay.  So how did the comp- -- so  
21   \$10,000 is probably not enough money to start a  
22   company.  Where did he get the money to start the  
23   company?

24          A.    I don't know.

25          Q.    Okay.

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**Martha Virginia Baxley on 10/29/2019**

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1 A. Yeah.

2 Q. So he -- he must have brought in some  
3 of his own money?

4 A. I don't know.

5 Q. Okay. You don't know how your -- your  
6 company got started?

7 A. I mean, I don't know that -- with the  
8 industry that you have -- you get awarded a job,  
9 you work it, you get paid. That's how you get --

10 Q. Okay.

11 A. -- the money.

12 Q. Presumably, they don't give you any  
13 money up front, right, so you got to have -- you  
14 have some sunk costs --

15 A. No. You get paid for -- you get paid  
16 for showing up, yeah, and, actually, that's the  
17 majority of contracts.

18 Q. So they'll -- they'll give you money  
19 before you go to the contract?

20 A. Yeah.

21 Q. Okay. And how do you know that?

22 A. From, I don't know, working for the  
23 company.

24 Q. Okay. So you're involved in the  
25 contracting?

**IN THE MATTER OF: BRANDON SCOTT BAXLEY**  
**Martha Virginia Baxley on 10/29/2019**

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1 A. No. I hear -- I -- well, I hear the  
2 conversations with Jonathan and Brandon.

3 Q. You just overheard?

4 A. It's call mobilization.

5 Q. Mobilization?

6 A. They get paid for -- to mobilize crews.

7 Q. Okay. All right. So what happened to  
8 the landscaping business in mid 2016?

9 A. That Lendlease project completely  
10 destroyed it.

11 Q. Okay.

12 A. He never got paid.

13 Q. Did it have equipment at the time?

14 A. I'm not aware of -- of what equipment  
15 it may have had.

16 Q. Okay. Did any of the equipment get  
17 transferred into Baxley Leasing?

18 A. Not that I'm aware of.

19 Q. Is it possible?

20 A. I don't -- Baxley -- oh, into Baxley  
21 Leasing?

22 Q. Yes.

23 A. No. Yeah. That I can say for sure no.

24 Q. You don't review any of the bank  
25 statements or anything like that?

**IN THE MATTER OF: BRANDON SCOTT BAXLEY**  
**Martha Virginia Baxley on 10/29/2019**

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1 A. I have not reviewed them.

2 Q. Okay. You don't know who has what card  
3 for the company? So like if I give you the last  
4 four digits, you wouldn't be able to tell me, oh,  
5 that's Brandon's card or that's --

6 A. No, I would not be able to tell you.

7 Q. Okay. Do you know why -- well,  
8 strike -- let me ask this a different way.

9 Do you know who Steven M. Day, Jr., is?

10 A. Steve Day. Yes, I do.

11 Q. Who's Steve Day?

12 A. He's the owner of Plates.

13 Q. Okay. Why did Baxley Corporation  
14 transfer \$90,000 to him on April the 10th, 2018?

15 A. I don't know.

16 Q. Does Baxley Corporation have a Square,  
17 Inc., account?

18 A. I don't know.

19 Q. Who would know the answers to these  
20 questions?

21 A. Brandon or Jonathan.

22 Q. Okay. And if it predated Jonathan's  
23 being appointed the member/manager, would --  
24 would Brandon be the only person who knew the  
25 answer?

**IN THE MATTER OF: BRANDON SCOTT BAXLEY**  
**Martha Virginia Baxley on 10/29/2019**

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1 A. Probably, yeah.

2 Q. In reviewing the bank statements, there  
3 appears to be a lot of eating out and mainly in  
4 downtown Raleigh establishments. Do y'all eat  
5 out a lot?

6 A. No, not since we've had kids.

7 Q. Since you've had kids. Okay. Do you  
8 know if Brandon eats out a lot?

9 A. He -- he's on the road a lot so I  
10 can't -- I can't speak to where he eats. If he's  
11 not working from home, he's in his truck checking  
12 on jobs and meeting with clients.

13 Q. All right. Have you -- for tax  
14 purposes have you reviewed the -- any sort of  
15 payments that Brandon may have received that are  
16 a personal benefit to him for purposes of issuing  
17 a 1099 or a W-2?

18 A. I have not.

19 Q. Okay. Who would be in charge of that?

20 A. We have an accountant.

21 Q. Okay. And the accountant would be  
22 the -- and who's the accountant, I guess?

23 A. Dan Minor.

24 Q. And I'm not certain if -- I know  
25 Mr. Oliver asked a question relating to this.

**IN THE MATTER OF: BRANDON SCOTT BAXLEY**  
**Martha Virginia Baxley on 10/29/2019**

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1 You don't have any knowledge about an investment  
2 in Plates Kitchen, do you?

3 A. I was not aware that we put -- beyond,  
4 like I said, the decor upgrades that we did, I  
5 was not aware of any money that was put into it.

6 Q. And what was your understanding of what  
7 you would receive in return for the decor  
8 upgrades?

9 A. We were supposed to have ownership down  
10 the road --

11 Q. Okay. Was it --

12 A. -- part ownership.

13 Q. Was there a written agreement?

14 A. I don't think so.

15 Q. Who --

16 A. Not that I'm aware of.

17 Q. Okay.

18 A. We -- we -- that was -- yeah. No, not  
19 that --

20 Q. So your company transferred money to  
21 Steve Day --

22 A. Well, you're telling me that. I wasn't  
23 aware of that.

24 Q. Okay. Well, let me --

25 A. Yeah.



**IN THE MATTER OF: BRANDON SCOTT BAXLEY**  
**Martha Virginia Baxley on 10/29/2019**

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1 Q. -- let me show you real quick so you  
2 can see it. I don't want you to take my word for  
3 it. Here's your bank statement for account  
4 ending 9364 April 1st, 2018, through April 30th,  
5 2018, Bank of America account. That highlight  
6 right there (indicates).

7 A. Uh-huh.

8 Q. So as far as you're aware, there's no  
9 sort of written agreement in relation to that?

10 A. No.

11 Q. You didn't authorize it as the owner?

12 A. I did not. I don't recall that.

13 Q. When was the last time you understood  
14 that your husband or your business had any  
15 involvement with Plates Kitchen?

16 A. It's been a while. Him and Steve had a  
17 falling out. I don't remember specifically when  
18 that was.

19 Q. Was it in 2019?

20 A. I -- I wouldn't think so.

21 Q. Was it before or after the bankruptcy?

22 A. I honestly have no idea. I know we did  
23 the decor upgrades and it was shortly thereafter.  
24 We did the decor upgrades. I was pregnant with  
25 my second. That was probably January '18 --

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**Martha Virginia Baxley on 10/29/2019**

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1 December and January '18.

2 Q. Okay. And, I'm sorry, Dec- -- December  
3 '17?

4 A. December --

5 Q. -- January '18?

6 A. Yes.

7 Q. Okay. I wanted to make sure --

8 A. Thank you.

9 Q. -- I got you there. And you said you  
10 don't know anything about Bicycle Burger?

11 A. I mean, I -- I'm aware of a Bicycle  
12 Burger.

13 Q. Okay. What is Bicycle Burger?

14 A. It was a food truck.

15 Q. Okay. And did your husband have any  
16 involvement in that?

17 A. He -- well, he's friends with Sam  
18 who's -- who was doing it.

19 Q. Okay. But --

20 A. Yeah.

21 Q. But --

22 A. I'm not aware of a business  
23 relationship they had.

24 Q. Do you know if Baxley Corp. had  
25 invested in Bicycle Burger?

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1 A. Not that I'm aware of.

2 Q. Do you know if your husband submitted a  
3 insurance claim to State Farm asserting that  
4 Baxley Corp. may have had an interest in Bicycle  
5 Burger?

6 A. I'm not aware of that.

7 Q. Are you familiar with an entity or a  
8 food truck called Cue Burger?

9 A. Yes.

10 Q. What is Cue Burger?

11 A. It's a -- it's a food truck.

12 Q. Okay. And who holds an interest in  
13 that?

14 A. Baxley Leasing.

15 Q. So Baxley Leasing is involved in  
16 leasing equipment to Baxley Corporation but is  
17 also involved in Cue Burger?

18 A. Yes.

19 Q. Okay. Is there any other operations  
20 that Baxley Leasing is involved in?

21 A. No.

22 Q. Who -- who operates the food truck Cue  
23 Burger?

24 A. John Gates.

25 Q. Sam Bradford involved?

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1           A.    He is now, yes.

2           Q.    Was he involved in Bicycle Burger?

3           A.    Sam was involved in Bicycle Burger,

4    yes.

5           Q.    Was John Gates involved in Bicycle

6    Burger?

7           A.    No.

8           Q.    Does Cue Burger turn a profit?

9           A.    Not that I'm aware of.

10          Q.    Okay. Who manages the day-to-day

11   operations of Cue Burger?

12          A.    John Gates.

13          Q.    Okay.

14          A.    And I -- I was involved initially with

15   it.

16          Q.    What -- what got you involved in the

17   food truck business?

18          A.    Trying to help my family make money.

19          Q.    Okay. So what -- what -- did you

20   approach John or did he approach you? How did --

21   how did that get started?

22          A.    I don't remember how it got started.

23          Q.    Or did Brandon start it up and you just

24   have your name on it?

25          A.    No. Well -- I see what you're doing

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1     there. I can't -- I can't -- I can't recall how  
2     it got started.

3           Q. I understand that Baxley Corp. recently  
4     changed where it banks; is that correct?

5           A. Yes.

6           Q. Where does it bank now?

7           A. Pinnacle.

8           Q. Pinnacle? Why did it change banks?

9           A. Bank of America closed our accounts.

10          Q. Why did it close our accounts?

11          A. They said it was flagged for a security  
12     alert or something. I don't even know. I can't  
13     remember the specific language. They had shut  
14     down my personal accounts as well because I --  
15     anything that Baxley had been attached to.

16          Q. Did that give you any concern when you  
17     learned that?

18          A. Yes.

19          Q. Okay. What did you do?

20          A. I opened up another account so I had --

21          Q. Did -- didn't cause you to go back and  
22     review the bank statements at Bank of America to  
23     try to see what they might be concerned about?

24          A. No. We -- we had -- we had met with  
25     the bank manager and decided that it was attached

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1 to perhaps subpoenas from you all to get  
2 information that sent a red flag up. She said  
3 she'd seen it before. She said it also could be  
4 the fact that we employ a lot of Hispanics that  
5 cash their checks and don't have bank accounts.

6 Q. I'm sorry.

7 A. They -- they -- they don't get -- they  
8 don't tell you why --

9 Q. Okay. So you --

10 A. -- so all you can do is come up with  
11 theories.

12 Q. I -- I'm sorry. You said you employ a  
13 lot of Hispanics. Are you -- are they illegal  
14 workers or --

15 A. No. Yeah.

16 Q. Okay. No. So they -- because you're  
17 writing them checks in their name and they must  
18 have bank accounts in order to cash those, right?

19 A. No, they don't. Most Hispanics in that  
20 industry do not have bank accounts that I'm aware  
21 of. They cash their check -- they may have bank  
22 accounts, but they cash their checks. They want  
23 cash in their pocket every week.

24 Q. Okay. Have you ever -- I'm going to  
25 label this as -- well, strike that.

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1                   Let me ask you another question. P.O.  
2   Box 28655, Raleigh, North Carolina, 2611 [sic],  
3   who is the owner of that P.O. box?

4           A.    I -- I'm not familiar with the P.O.  
5   box.

6           Q.    Okay. Is it possible that it's your  
7   husband's?

8           A.    Sure.

9                   MR. BEHR: What are we on, 37? I used  
10   that one, actually.

11                  MS. AYCOCK: It's 36.

12                  MR. BEHR: 35. 36, yeah.

13                         (M. BAXLEY EXHIBIT 36, Baxley  
14   Corporation Account QuickReport, November 10,  
15   2017 - March 14, 2018, and Bicycle Burger Weekly  
16   Sales Reports, was marked for identification.)  
17   BY MR. BEHR:

18           Q.    I hand you what I've labeled as Exhibit  
19   Number 36. Have you ever seen that before?

20           A.    No.

21           Q.    And that is a Baxley Corporation  
22   account QuickReport. You've never seen that  
23   before?

24           A.    I've never seen that.

25           Q.    If you'd turn the page. And you've

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1 never seen the Bicycle Burger weekly sales  
2 reports?

3 A. No.

4 Q. Okay. Do you receive weekly sales  
5 reports from Cue Burger?

6 A. I do not.

7 Q. Who would receive them?

8 A. I don't know.

9 Q. Do you know if your husband receives  
10 them?

11 A. I don't know.

12 Q. Have you ever conducted a corporate  
13 meeting for Baxley Corporation, LLC?

14 A. Yes.

15 Q. When was the last time you conducted  
16 one of those?

17 A. I don't recall the date.

18 Q. And who would have been present at  
19 that?

20 A. Brandon, Jonathan, Rudy, myself.

21 Q. Why was Baxley Leasing created?

22 A. To allow me to quit my job.

23 Q. Why couldn't you get paid through  
24 Baxley Corporation?

25 A. It wasn't making enough money to pay



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1 me.

2 Q. Well, isn't it just paying additional  
3 money to Baxley Leasing?

4 A. It's -- but that's a line item that we  
5 would have been paying a rental company. It's  
6 built into the jobs that we bid.

7 Q. So you include your compensation within  
8 that and that's a line item in the contract?

9 A. No. Renting equipment to -- to perform  
10 a job is written into a bid, into a contract.  
11 It's a line item. You have to rent equipment to  
12 perform a job. My ability to buy it and lease it  
13 back at less than market was saving Baxley money,  
14 allowing...

15 Q. Does Baxley Corporation still do  
16 landscaping work?

17 A. Not that I'm aware of.

18 Q. I'm sorry?

19 A. Not that I'm aware of.

20 Q. Hasn't done any landscaping work for  
21 R.J. Antonelli?

22 A. Not that I'm aware of.

23 Q. Who are the -- other than Hendren,  
24 Redwine & Malone, does Baxley Corporation, LLC,  
25 have any other attorneys?

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1 A. R.J. Antonelli.

2 Q. R.J. And are you familiar with a  
3 Delaware corporation Baxley Corporation, LLC?

4 A. No.

5 MR. BEHR: I don't have any further  
6 questions, George.

7 MR. OLIVER: Just briefly.

8 EXAMINATION

9 BY MR. OLIVER:

10 Q. Did Bank of America close the accounts  
11 because you were signing checks without  
12 authority? Did they mention that to you?

13 A. They won't tell you. They would not  
14 tell us. They -- they don't tell you so I  
15 can't --

16 Q. But you continued to sign checks after  
17 April 4th of 2019, didn't you, for Baxley Corp.?

18 A. I -- I don't recall when I started  
19 signing checks.

20 Q. So you might not have been signing  
21 checks in April of 2019? You don't know?

22 A. I don't -- I -- I signed checks in  
23 2019. I don't recall what month I started  
24 signing checks.

25 Q. Have you -- did you start signing

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1 checks when you opened the new Pinnacle bank  
2 accounts?

3 A. Perhaps.

4 Q. So you don't know if you were signing  
5 checks after -- at the -- on the Bank of America  
6 accounts after April 4th of 2019?

7 A. I don't know.

8 Q. Do you -- can you tell me why you were  
9 not authorized to sign checks on the Bank of  
10 America accounts if you were the 75 percent  
11 owner?

12 A. I -- I can't tell you.

13 Q. Can you tell me why Brandon Baxley  
14 would be authorized to sign checks as of April  
15 '19 if he was not an owner?

16 A. I can't tell you.

17 Q. Can you tell me why he'd be authorized  
18 to sign checks in April '19 if he's not a  
19 manager?

20 A. I can't tell you.

21 MR. OLIVER: Okay.

22 MR. BEHR: George, I have one.

23 EXAMINATION

24 BY MR. BEHR:

25 Q. So you made a statement that Baxley

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1 Corporation wasn't profitable. What formed the  
2 basis of that statement?

3 A. I don't know. I guess overhearing  
4 conversation.

5 Q. Okay. So you haven't reviewed any of  
6 the books?

7 A. Correct.

8 Q. Haven't seen any balance sheets, P and  
9 Ls, anything like that?

10 A. Correct.

11 Q. Just based on things you've overheard?

12 A. Conversations with Brandon and  
13 Jonathan, yes.

14 Q. You don't know how much money is in the  
15 bank account currently?

16 A. I don't.

17 Q. Who would know the answer to that?

18 A. Jonathan and Brandon.

19 EXAMINATION

20 BY MR. OLIVER:

21 Q. Is Brandon a signer on the Pinnacle  
22 bank accounts?

23 A. I -- I don't know.

24 Q. Do you know who is a signer on the  
25 Pinnacle bank accounts?

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1 A. Beyond myself, I don't know.

2 Q. Okay.

3 A. Yeah.

4 Q. Who would know that?

5 A. Jonathan probably.

6 Q. Okay. Do you know if Jonathan's a  
7 signer?

8 A. I imagine so. I -- I don't know.  
9 Yeah. I haven't seen the paperwork.

10 Q. And how many bank accounts do you have  
11 at Pinnacle for the company?

12 A. One.

13 Q. Just one account. You had two at --

14 A. But I --

15 Q. -- Bank of America.

16 A. Right. I -- I -- I am only aware of  
17 one that I sign checks from.

18 MR. OLIVER: Okay. All right. Thank  
19 you.

20 THE WITNESS: Uh-huh.

21 MR. BEHR: I'm good.

22 (Whereupon, the deposition of MARTHA  
23 VIRGINIA BAXLEY concluded at 2:06 p.m., October  
24 29, 2019.)

25 (Read and sign requested.)

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1 DEPOSITION ERRATA SHEET

2 I, MARTHA VIRGINIA BAXLEY, do hereby certify  
3 that I have read the foregoing transcript of my  
4 testimony, and further certify that it is a true  
5 and accurate record of my testimony (with the  
6 exception of the corrections listed below):

7	Page	Line	Correction
8	_____	_____	_____
9	_____	_____	_____
10	_____	_____	_____
11	_____	_____	_____
12	_____	_____	_____
13	_____	_____	_____
14	_____	_____	_____

15

16 WITNESS my hand and seal on this, the \_\_\_\_\_  
17 day of \_\_\_\_\_, 20\_\_\_\_.

18

19 WITNESS SIGNATURE

20 This deposition was signed in my presence by  
21 \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_,  
22 20\_\_\_\_.

23

24

25

NOTARY PUBLIC  
NOTARY NO. \_\_\_\_\_  
My commission expires: \_\_\_\_\_

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1 CERTIFICATE OF COURT REPORTER

2 North Carolina

3 Wake County

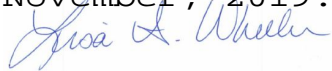
4 I, Lisa A. Wheeler, RPR, CRR, Notary Public  
5 in and for the State of North Carolina, certify  
6 that on October 29, 2019, in Raleigh, North  
7 Carolina, MARTHA VIRGINIA BAXLEY, having produced  
8 satisfactory evidence of identification and  
9 having been first duly sworn by me to tell the  
10 truth, thereupon testified as set forth in the  
11 preceding 86 pages, exclusive of errata sheet and  
12 signature page, if required, the examination  
13 being reported by me verbatim and reduced to  
14 typewritten form by me personally.

15 I further certify that I am not of counsel  
16 or in the employ of the parties to this action;  
17 that I am not related by blood nor connected by  
18 marriage to the parties of this action; that I am  
19 not interested in the outcome thereof; that the  
20 foregoing is a true and accurate transcript of  
21 said proceeding to the best of my ability and  
22 understanding.

23 This the 12th day of November, 2019.

24

25

  
\_\_\_\_\_  
Lisa A. Wheeler, RPR, CRR  
Notary Public, #19981350007

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